



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-146

RULE TYPE: Legislative
Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: Yes

RULE NAME: Service Personnel Classification, Competency
Testing, and Professional Learning (5314)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,
180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/14/2021 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Veronica Barron, Coordinator

ADDRESS: WVDE Advanced Career Education Services, Capitol Bldg. 6, Room 825

1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: vbarron@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Policy 5314 defines service personnel classification and competency testing as well as establishes minimum performance standards and the Service Personnel Staff Development Council (Council).

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The repeal and replacement of Policy 5314 will merge five service personnel policies into one policy. The policy provides a structure for competency testing along with making certain that all classifications have a competency test and the test is administered in a uniform manner to all interested applicants. A testing platform is being proposed to help alleviate human error.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of W. Va. 126CSR146, Policy 5314.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of W. Va. 126CSR146, Policy 5314.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact on the state or its residents as a result of the proposed amendment of W. Va. 126CSR146, Policy 5314.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of the proposed amendment of W. Va. 126CSR146, Policy 5314.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 5314, Service Personnel Classification, Competency Testing, and Professional Learning
Executive Summary**

**West Virginia Department of Education
Office of Technical and Adult Education/Advanced Career Education Services**

Policy Cycle: ☒ 30 day Comment Period ☐ Adoption of Policy

Policy Process: ☐ Revision ☒ Repeal and Replace ☐ New

Introduction: Policy 5314, Service Personnel Responsibilities and Performance, is being repealed and replaced with Policy 5314, Service Personnel. Four other service personnel policies have been embedded in Policy 5314 and are recommended for repeal. This policy outlines service personnel classification, competency test procedures, and requirements as well as defining that the Service Personnel Staff Development Council is to provide school service personnel with job-relevant and needs-based professional learning opportunities to ensure students are provided with essential learning environments.

Background: Policy 5314 has not been revised since 1985. The policy was established to provide county job descriptions for service personnel and performance standards that must be developed by the county board of education for each state and county adopted responsibility.

Proposed Changes:

- Section 3. Definitions added.
- Section 4. Service Personnel Defined.
 - Service personnel is defined and guidance provided for county boards of education to develop performance standards.
- Section 5. Service Personnel Classifications.
 - This section defines service personnel classifications as stated in W. Va. Code §18A-4-8.
 - WVBE Policy 5141, Approved College Credit for Aide IV Classification, has been added as it provides the additional education requirements needed to be classified as an Aide IV.
 - WVBE Policy 5314.01, Autism Mentor, has been included because it defines the necessary requirements that are needed to be classified as an autism mentor.
- Section 6. Educational Equivalency for Service Personnel.
 - WVBE Policy 5301, College Hours or Comparable Training in a Trade or Vocational School, is embedded as it pertains to obtaining higher pay grades for service personnel based on additional education.
- Section 7. Competency Testing.
 - Procedures for competency testing have been outlined to provide a structured process for county boards of education.
 - This section also allows for testing on a secure digital testing platform that will provide:
 - test scores within minutes of submission,
 - testing accommodations such as screen reading,
 - certificates for applicants who have passed the written and/or performance competency tests, and
 - a pool of applicants that can be pulled from for vacant positions.
- Section 8. Service Personnel Staff Development Council
 - WVBE Policy 5500.02, County Service Personnel Staff Development, is embedded so that all service personnel professional learning requirements are in one place.

**Policy 5314, Service Personnel Classification, Competency Testing, and Professional Learning
Executive Summary**

Impact: The repeal and replacement of Policy 5314 will merge five service personnel policies into one policy. The policy provides a structure for competency testing along with making sure that all classifications have a competency test and the test is administered in a uniform manner to all interested applicants. A testing platform is being proposed to help alleviate human error. The platform will include text to speech which eliminates the need to find a person who does not personally know the applicant to read the test to the applicant. The platform will keep records of passing scores and provide certificates as proof the applicant passed. This will provide a greater pool of applicants for the county to pull from and would help decrease the need to constantly test applicants. This policy also allows for CTE students who are in programs of study that aligns to service personnel classifications to take the competency test and be qualified to work in the school system upon graduation.

Action:

- ☒ Release for 30 day public comment.
 - ☐ Approve by WVBE with an effective date 30 days from filing OR of ____/____/20____.
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**Policy 5314, Service Personnel Classification, Competency Testing, and Professional Learning
List of Stakeholders**

West Virginia Department of Education

External Stakeholders

- Michael Fling, Assistant Superintendent, Wood County
- Tim Hardesty, Assistant Superintendent, Cabell County
- Margaret Pennington, Assistant Superintendent, Fayette County
- Joe White, Executive Director, West Virginia School Service Personnel Association

Internal Stakeholders

- Adam Canter, Director, Advanced Career Education Services
- Tim Conzett, Technology Officer, Office of Technology
- Brad Fittro, Coordinator, Certification Services
- Robert Hagerman, Director, Certification Services
- Amy Willard, School Operations Officer, Office of School Operations and Finance

126CSR146

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 146
SERVICE PERSONNEL CLASSIFICATION, COMPETENCY TESTING,
AND PROFESSIONAL LEARNING (5314)**

§126-146-1. General.

1.1. Scope. -- This legislative rule defines service personnel classification and competency testing as well as establishes minimum performance standards and the Service Personnel Staff Development Council (Council). This rule applies to county boards of education (county), career technical education (CTE) centers, multi-county CTE centers, the West Virginia Schools for the Deaf and the Blind, and schools under the supervision of West Virginia Schools of Diversion and Transition.

1.2. Authority. -- W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-2-5, 18-2E-5, 18-9E-3, 18-9E-4, 18A-2, 18A-3-9, and 18A-4.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. 126CSR146, Policy 5314, Service Personnel Responsibilities and Performance Standards, filed January 22, 1985, and effective March 22, 1985; and repeals W. Va. 126CSR150A, Policy 5500.02, County Service Personnel Staff Development Council, filed August 27, 1992, and effective September 26, 1992; W. Va. 126CSR133, Policy 5141, Approved College Credit for Aide IV Classification, filed November 2, 1984, and effective January 2, 1985; W. Va. 126CSR163, Policy 5301, College Hours or Comparable Training in a Trade or Vocational School, filed April 11, 2013, and effective May 13, 2013; and W. Va. 126CSR146A, Policy 5314.01, Autism Mentor, filed April 11, 2013, and effective May 13, 2013.

§126-146-2. Purpose.

2.1. This policy outlines the service personnel classification, competency test requirements, and testing procedures while establishing the Council to provide school service personnel with job-relevant and needs-based professional learning opportunities to ensure students are provided with vital learning environments.

§126-146-3. Definitions.

3.1. Approved institution. CTE center, trade, vocational, business, or similar institution approved by a state or national institution, specialized accrediting agency, or the Council on Occupational Education (COE).

3.2. College hours or comparable training obtained in an approved institution shall be defined to include any combination of the following:

3.2.a. Semester hour. Definition found in W. Va. 126CSR136, Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications, section 4 (Policy 5202).

3.2.b. Quarter hour. Definition found in Policy 5202, section 4.

3.2.c. Comparable credit obtained in an approved institution. Each fifteen contact hours of training obtained in a postsecondary program from an approved institution shall be equivalent to one semester hour of college credit. Comparable credit for such contact hours should still be granted even if the contact hours are also counted towards meeting annual professional learning requirements.

3.3. Institution of higher education (IHE). Definition found in Policy 5202, section 4.

3.4. Test administrator. Individual who is designated to administer competency tests while maintaining test security and integrity (W. Va. Code §18A-4-8e).

§126-146-4. Service Personnel Defined.

4.1. As defined in W. Va. Code §18A-1-1(e), a service personnel is a nonteaching school employee who is not included in the meaning of teacher as defined by state code and who services the school(s) in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school nutrition, and aides.

4.1.a. When posting a vacancy for a service personnel position, a county must use one of the service personnel classifications identified in W. Va. Code §18A-4-8.

4.2. Performance standards shall be developed by each county and clearly defined to enable all employees to understand their job performance expectations. Service personnel shall, at a minimum, be evaluated on the following performance standards:

4.2.a. work habits: observation of work hours, attendance, safety practices, meeting deadlines, flexibility, taking the initiative, and positive attitude;

4.2.b. performance: work judgment, planning and organizing, quality of work, taking responsibility, following instructions, efficiency under stress, and the operation and care of equipment; and

4.2.c. professional learning: knowledge of job responsibilities and participation in job-related trainings.

4.3. Each county shall review each service personnel employee's job classification annually and reclassify all service persons as required by the job classification (W. Va. Code §18A-4-8).

4.3.a. The county's review of the service personnel employee's job duties and responsibilities may determine that the employee is performing duties and/or responsibilities outside of the current classification. To reclassify this service personnel employee, the county may either remove the identified job duties and/or responsibilities that are not part of the employee's current classification, or the

employee must complete the competency test for the reclassification title for which they are already performing the duties and/or responsibilities to show that the employee is qualified to hold the reclassification title.

4.3.b. A service personnel employee may not be reclassified without the employee's written consent (W. Va. Code §18A-4-8).

§126-146-5. Service Personnel Classifications.

5.1. A detailed list of service personnel classifications and definitions can be found in W. Va. Code §18A-4-8.

5.2. Additional specific requirements for service personnel classifications.

5.2.a. Aide IV.

5.2.a.1. An Aide IV must complete 18 hours of WVBE-approved College credit at an IHE or approved institution; or 15 hours of WVBE-approved college credit at an IHE and has successfully completed an in-service training program determined at the county level to be the equivalent of three hours of college credit.

5.2.a.1.A. The approved college credit shall be related to basic skills including reading, writing, speaking, and mathematics; or career development as approved by the county.

5.2.a.1.B. If the Aide IV chooses to do the 15 hours of college credit and in-service training program, then the aide must develop an individual in-service plan with the aide's immediate supervisor, the principal of the building, and the county superintendent/designee.

5.2.a.2. The Aide IV classification is a salary classification and the final decision on eligibility rests with the employing county superintendent and county. No application or credentialing process is necessary through the West Virginia Department of Education (WVDE).

5.2.b. Autism Mentor.

5.2.b.1. To be classified as an autism mentor, an employee must first classify as an Aide III as defined in W. Va. Code §18A-4-8.

5.2.b.2. The aide must successfully complete a professional learning program related to providing instructional support to students with autism as determined and verified by the WVDE.

5.2.b.2.A. For each hour of training completed, one-half point per hour will be awarded.

5.2.b.2.B. A minimum of 15 points or 30 hours of training must be earned and verified for a candidate to meet this requirement.

5.2.b.2.C. Training is required on the use of restraints and must include prevention and de-escalation techniques with alternatives to the use of restraint. The WVDE Office of Special Education will determine the points awarded for this training after approval of properly documented training.

5.2.b.2.C.1. Training must have been completed within three years and documentation submitted to the WVDE Office of Special Education for review and consideration. Training older than three years will not be considered.

5.2.b.2.C.2. Training documentation shall include, at a minimum, the name of the training, the date of training, the number of hours, the agency providing the training, and the training sponsor's or designee's signature.

5.2.b.2.D. Upon completion of the documentation analysis, the candidate and the employing county's personnel director will receive a letter verifying whether the state requirements have been met.

5.2.b.3. The employing county is responsible for verifying:

5.2.b.3.A. two years of successful experience providing classroom instructional supports to a student with autism under the supervision of a fully certified special education teacher.

5.2.b.3.A.1. A year is defined as a minimum of 133 instructional days in any one school year and is verified at the end of the school year.

5.2.b.3.A.2. The student must be an eligible student with autism for the time the aide provided instructional supports for the experience to be counted. The student's eligibility is determined and documented by an eligibility committee in accordance with W. Va. 126CSR16, Policy 2419, Regulations for the Education of Students with Exceptionalities.

5.2.b.3.A.3. If the eligibility committee's determination for a student's eligibility has changed while the aide was providing instructional supports, the aide will receive credit only for the experience during the time the student was deemed eligible. To receive credit, the dates for the time period the aide was working with the eligible student must be documented and kept in the aide's personnel file.

5.2.b.3.B. Physical ability and stamina are necessary to complete all job tasks, including tasks related to ensuring student safety. Documentation proving physical ability and stamina will be kept in the aide's personnel file.

5.2.b.4. Upon meeting all training, experience, and physical requirements, the aide is eligible to apply for the position of autism mentor.

5.2.b.5. An employee who works with autistic students and meets the standards and experience set forth above qualifies for the autism mentor classifications.

5.2.c. Aide V, Aide VI, Early Childhood Classroom Assistant Teacher (ECCAT), Paraprofessional are addressed in Policy 5202.

§126-146-6. Education Equivalency for Service Personnel.

6.1. Educational equivalency is used to determine additional monthly pay as specified in W. Va. Code §18A-4-8a for service personnel who have earned college hours through an accredited IHE or comparable training in an approved institution; or who have earned an associate's, a bachelor's, a master's, or a doctorate degree.

6.2. College hours or comparable training, for the purposes of this policy, are defined by any combination of the following:

6.2.a. Semester hour. An hour of college credit from an accredited IHE on the semester system.

6.2.b. Quarter hour. An hour of college credit from an accredited IHE on the quarter system. One quarter hour is equivalent to two-thirds of a semester hour.

6.2.c. Comparable credit. Each 15 contact hours of training obtained in a postsecondary program from an approved trade, vocational, technology, business, or similar institution shall be equivalent to one semester hour of college credit. Comparable credit shall be granted even if those contact hours are also counted toward meeting annual professional learning requirements.

6.2.c.1. Associate's. An associate or two-year degree earned from an accredited IHE.

6.2.c.2. Bachelor's. A four-year degree earned from an accredited IHE.

6.2.c.3. Bachelor's plus 15. A bachelor's degree plus 15 hours of undergraduate/graduate work is also earned from an accredited IHE. The undergraduate hours must have been completed after the bachelor's degree was awarded.

6.2.c.4. Master's. A master's degree earned from an accredited IHE approved to do graduate work.

6.2.c.5. Master's plus 15. A master's degree plus 15 hours of undergraduate/graduate work is also earned from an accredited IHE. This classification requires 45 hours including a master's degree, of which 15 hours may be undergraduate hours completed after the bachelor's degree was awarded.

6.2.c.6. Master's plus 30. A master's degree plus 30 hours of undergraduate/graduate work is also earned from an accredited IHE. This classification requires 60 hours including a master's degree, of which 15 hours may be undergraduate hours completed after the bachelor's degree was awarded.

6.2.c.7. Master's plus 45. A master's degree plus 45 hours of undergraduate/graduate work is also earned from an accredited IHE. This classification requires 75 hours including a master's degree, of which 15 hours may be undergraduate hours completed after the bachelor's degree was awarded.

6.2.c.8. Master's plus 60. A master's degree plus 60 hours of undergraduate/graduate work is also earned from an accredited IHE. This classification requires 90 hours including a master's degree, of which 15 hours may be undergraduate hours completed after the bachelor's degree was awarded.

6.2.c.9. Doctorate. A doctorate's degree earned from an accredited IHE qualified and approved to confer such a degree.

6.3. Official transcripts are used to verify earned credits from an accredited IHE or a grade report of completed contact hours in a postsecondary program from an approved and accredited institution. Employees are responsible for obtaining and providing official transcripts to their employer.

6.4. Counties are responsible for verifying the number of hours completed by their respective service employees for additional pay purposes.

§126-146-7. Competency Testing.

7.1. Competency tests are used to determine the qualifications of new applicants seeking initial employment in a classification as either a regular or substitute employee or an existing employee applying for employment in another classification (W. Va. Code §18A-4-8e). These tests shall not be used to evaluate currently classified employees.

7.2. The county must use the state-approved competency test in its entirety with no additions to the test. Counties are not permitted to require additional testing for classifications or use county-developed tests. Counties may consider job-related factors in addition to the statutory qualification, if necessary, for the successful performance of the posted vacancy.

7.3. Competency tests are based on classifications and include a combination of written and performance tests. The written test provides the county with the applicant's knowledge of the classification's job duties and responsibilities. The performance test demonstrates the applicant's ability to perform tasks related to the classification.

7.4. Competency tests align with the classification definition in W. Va. Code §18A-4-8 and section 5.

7.4.a. For multiclassified positions, the applicant must be able to pass all relevant competency tests.

7.4.b. CTE students who complete a program of study that aligns to a service personnel classification may take the competency test. The CTE administrator should schedule testing with the county.

7.5. A valid license/certificate from a reputable agency or institution is also acceptable for certain classifications as found in the WVDE's Service Personnel Manual located on the WVDE's website. Applicants holding a valid license/certification in certain classifications are not required to take a competency test.

7.6. Competency Testing Process.

7.6.a. All counties and multi-county CTE centers shall designate a person to fill this role. The test administrator, designee, test reader, and/or the performance test evaluator shall sign a test security agreement as indicated by the WVDE before testing materials are released or testing can occur.

7.6.a.1. The county test administrator cannot administer the performance test for bus operator classification. For information on bus operator competency testing and/or professional learning, see W. Va. 126CSR92, Policy 4336, West Virginia School Bus Transportation Regulations, Procedures, and Specifications for The Design and Equipment of School Buses.

7.6.b. Competency tests shall be administered to all applicants who are interested in the posted vacancy. Testing shall occur in a uniform manner under uniform testing conditions. Counties shall notify all applicants of the date, time, and location of the competency test. If the applicant is a county employee whose schedule conflicts with the date and time of the test, then the applicant is excused from work without loss of pay to test (W. Va. Code §18A-4-8e). A county may allow an alternative testing date which must be open to all applicants.

7.6.c. Applicants must provide documentation to prove their identity and that they meet W. Va. Code §18A-2-5 by either holding a high school diploma or equivalent or are enrolled in a state-approved high school equivalency program by the date of employment. Employment is contingent upon the applicant's continued enrollment or successful completion of said program.

7.6.d. The written competency test will be administered using an online testing platform.

7.6.e. If requested, an applicant may take the written test orally. The testing platform will read the written competency test to the applicant. Applicants will use the testing platform to record their responses.

7.6.f. If applicants have any disabilities that prevent them from taking the test in its original format and setting, then reasonable accommodations should be made as long as the integrity of the test is maintained. Refer to the WVDE's Service Personnel Manual located on the WVDE's website for guidance on reasonable accommodations.

7.6.g. The test administrator shall maintain a record of what test was administered; who administered the test; the location, date, and time of the test; and the name, address, and phone number of each tested applicant.

7.6.h. The written competency tests will be scored by the testing platform.

7.6.i. If the test administrator is not qualified to evaluate the performance competency test, then the test administrator will appoint an evaluator. The performance test evaluator must be a qualified county employee who has signed a test security agreement. The performance test evaluator or test administrator shall enter the performance test results into the testing platform.

7.6.j. Applicants will receive their scores from each written and/or performance test completed.

7.6.j.1. Achieving a passing score shall conclusively demonstrate the qualifications of an applicant for a classification title. Once an applicant has passed the competency test for a classification title, that applicant maintains the classification title.

7.6.j.1.a. Applicants will receive a certificate verifying that they completed and passed the classification competency test. If the applicant is hired, then a copy of the certificate should be maintained in the employee's personnel file.

7.6.j.2. If an applicant does not achieve a passing score, then the applicant shall be given every opportunity to pass the competency test when applying for each posted vacancy within the

classification. If the applicant previously passed the written and/or portions of the performance test, then the applicant is only required to take the portion of the test not passed.

7.6.j.2.a. No specific test questions may be shared, but applicants may be told that they did not pass the written test. If there is a performance test, then the applicant may be told what section of the performance test was not passed.

7.6.k. In the event an applicant has already completed/passed a competency test, the applicant must provide a copy of the certificate and the county shall verify the certificate.

§126-146-8. Service Personnel Staff Development Council (Council).

8.1. County responsibilities.

8.1.a. The county shall establish a Council that shall develop and/or propose a professional learning program for service personnel.

8.1.b. The county superintendent/designee shall supervise objectives of the Council; coordinate implementation of the professional learning program; disseminate information concerning program objectives, location and time, prerequisites, etc., about the program offerings; and maintain records of enrollment, scheduling, and evaluation of service personnel.

8.1.c. Professional learning shall be based on predetermined needs; reflect the state and county's goals and policies; include activities that provide for individual and group needs; incorporate individual-, school-, and county-level learning opportunities; and provide a systematic evaluation process.

8.1.c.1. The county must schedule a minimum of 18 hours of annual job-related, needs-based professional learning with the first 12 hours occurring before January 1 for all service personnel. An exception to this schedule may be granted by the county superintendent.

8.1.d. The county shall approve the professional learning program before implementation.

8.1.e. Two or more counties may elect to cooperate in the same professional learning program.

8.1.f. The county shall make available 1/10 of one percent of the amount provided according to W. Va. Code §18-9A-5 and credit such funds to an account to be used by the Council to fulfill its objectives. The county shall have the final approval of all disbursements and may consider other funding sources.

8.1.g. At the end of each fiscal year, the county shall report to the staff development chairperson the total amount and balance of the Council account(s), the amount appropriated for the recent fiscal year, the amount of funds used by the Council, and the amount of funds carried over into the next fiscal year. These funds can be carried forward for a maximum of three years. If the funds still have not been spent by the end of that period, the remaining balance shall revert to the county's general current expense fund.

8.1.h. At the end of the fiscal year, the county shall provide to the State Superintendent of Schools/designee a list of Council members including the offices held by members, the number of

meetings held to plan the professional learning, and the number of hours that service personnel employees were provided to implement professional learning programs (W. Va. Code §18A-3-9(c)).

8.2. Council responsibilities.

8.2.a. The Council shall be comprised of the county superintendent/designee who shall hold an advisory, nonvoting role; and two employees from each service personnel category (secretarial, custodial, maintenance, transportation, food service, and aides).

8.2.a.1. The Council shall elect a chairperson.

8.2.b. The current Council members shall submit nominations for membership to the county superintendent in a staggered three-year election cycle. The county superintendent shall prepare and distribute the ballots and tabulate the votes.

8.2.c. Service personnel employees in concert with their immediate supervisor may develop an individual professional learning plan to be used in their professional learning activities. An employee's performance evaluation must be used in this process. An employee's performance evaluation shall be confidential.

8.3. The Council shall evaluate annually the effectiveness of the professional learning program and activities.

8.4. Monitoring and evaluation of the professional learning program shall be conducted in compliance with W. Va. Code §18-2E-5.

§126-146-9. Severability.

9.1. If any provision of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

W. Va. 126CSR133, Policy 5141, Approved College Credit for Aide 4 Classification, is being embedded into W. Va. 126CSR146, Policy 5314, Service Personnel Classification, Competency Testing, and Professional Learning, and is recommended for repeal.

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 133
APPROVED COLLEGE CREDIT FOR AIDE 4
CLASSIFICATION (5141)

§126-133-1. General.

- 1.1. Scope. -- These procedural rules establish the eligibility criteria for Aide 4 Classification.
- 1.2. Authority. -- W. Va. Code §18A-4-8.
- 1.3. Filing Date. -- November 2, 1984.
- 1.4. Effective Date. -- January 2, 1985.

§126-133-2. College Credit.

2.1. Definition: Approved college credit shall be determined to mean credit earned at regionally accredited community colleges, or four (4) year institutions of higher education, or those correspondence, business, occupational, and trade schools which either have obtained a permit from the West Virginia Board of Education in pursuance of West Virginia Code §18-2-10 or which are members of nationally recognized accrediting associations approved by the West Virginia Board of Education in pursuance of the same statute which is:

- a. Related to basic skills, e.g., reading, writing, speaking, mathematical computation; or
- b. Applicable to an associate or bachelors degree at a regionally accredited institution; or
- c. Related to the individual's specific assignment as an aide within a county school district.

2.2. Procedure: County superintendents of schools shall make a decision regarding the Aide 4 classification at the local level in accordance with the criteria previously mentioned. No application or credentialling process is necessary through the State Department of Education. Review of a county school district's implementation of this policy shall be the province of the State Department of Education through the county school district county accreditation policy (2320).

2.3. Effective date: July 1, 1984.

2.4. Credit earned prior to July 1, 1984: Any college credits earned prior to July 1, 1984 in regionally accredited two (2) or four (4) year institutions of higher education or those correspondence, business, occupational and trade schools which either have obtained a permit from the West Virginia Board of Education in pursuance of West Virginia Code §18-2-10 or which are members of nationally recognized accrediting associations approved by the West Virginia Board of Education in pursuance of the same statute may be utilized for the credit hour requirement for the Aide 4 classification.

§126-133-3. Inservice Equivalency.

3.1. Criteria for equivalency: For an Aide 4 to be eligible for inservice education as determined by the West Virginia Board of Education to be the equivalent of three (3) college credits as approved by the 1984 legislature in §18A-4-8, the following criteria must be met:

a. The aide must develop an individual inservice plan which:

1. Contains a complete description of the inservice activity(ies) being proposed,
2. Identifies the learning which will occur as a result of implementing the plan, and
3. Contains the evaluation system to ensure that learning did occur.

b. The plan must be approved by the immediate supervisor with whom the aide works, the principal of the building, and the county superintendent or his/her official designee.

c. The plan must be submitted to the staff development council (See Policy 2510) and the personnel office and be retained as an official part of the county personnel records to be reviewed in accordance with Standard 2 of Policy 2320, County Accreditation.

d. The following guidelines should be utilized in developing and approving plans:

1. One (1) credit hour is equivalent to ten (10)-fifteen (15) clock hours of instruction, and
2. Additional work assignments outside the instructional time are appropriate.

3.2. Effective dates: The Aide 4 classification is effective July 13, 1984. Any inservice work completed prior to that time that meets the criteria outlined above may be utilized in determining eligibility. The Aide 4 classification is a salary classification and therefore the final decision on eligibility rests with the employing county superintendent and local boards of education subject to West Virginia Board of Education regulations and monitoring through Policy 2320, County Accreditation.

**W. Va. 126CSR163, Policy 5301, College Hours or Comparable Training
in a Trade or Vocational School, is being embedded into
W. Va. 126CSR146, Policy 5314, Service Personnel Classification,
Competency Testing, and Professional Learning,
and is recommended for repeal.**

126CSR163

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 163
College Hours or Comparable Training
in a Trade or Vocational School (5301)**

§126-163-1. General.

1.1. Purpose - The purpose of this policy is to establish guidelines for providing the additional pay specified in West Virginia Code §18A-4-8a for service personnel who have earned the college hours or comparable training in a trade or vocational school specified in the code section, or those who have earned an associate, a bachelor's, a master's, or a doctorate degree.

1.2. Authority - West Virginia Constitution, Article XII, Section 2 and West Virginia Code §18-2-5 and §18A-4-8a.

1.3. Filing Date – April 11, 2013

1.4. Effective Date – May 13, 2013

1.5. Repeal of Former Rule. This legislative rule amends W. Va. 126CSR163, West Virginia Board of Education Policy 5301, College Hours or Comparable Training in a Trade or Vocational School, filed July 12, 2002, and effective August 12, 2002.

§126-163-2. Applicability.

2.1. This policy applies only to service personnel. The policy provides guidance for county boards of education in determining the additional monthly pay as specified in West Virginia Code §18A-4-8a for service personnel who have earned the college hours or comparable training in a trade or vocational school specified in the code section, or those who have earned an associate, a bachelor's, a master's, or a doctorate degree. The bonus specified in code for a college degree is for each degree level.

§126-163-3. Definitions.

3.1. Accredited institution of higher education - A college or university accredited: (1) by the official accrediting agency of the state in which the institution is located, and; (2) by one of the regional accrediting agencies recognized by the Council for Higher Education Accreditation (CHEA), OR by one of the National Faith-Related Accrediting Organizations recognized by CHEA and the United States Department of Education, OR by the Accrediting Council for Independent Colleges and Schools, to award degrees at a stipulated level, i.e. associate degree, bachelor's degree, master's degree, and/or doctorate degree.

3.2. Approved trade, vocational, technical, business or similar institution - An institution approved by a state or national institutional or specialized accrediting agency or the Bureau of Apprenticeship and Training, U.S. Department of Labor.

3.3. College hours or comparable training in a trade or vocational school shall be defined to include any combination of the following:

3.3.a. Semester hour - An hour of college credit from an accredited institution of higher education on the semester system.

3.3.b. Quarter hour - An hour of college credit from an accredited institution of higher education on the quarter system. One quarter hour is equivalent to two-thirds of a semester hour.

3.3.c. Comparable credit obtained in a trade or vocational school - Each fifteen contact hours of training obtained in a post-secondary program from an approved trade, vocational, technical, business or similar institution shall be equivalent to one semester hour of college credit. Comparable credit for such contact hours should still be granted even if the contact hours are also counted towards meeting annual professional development requirements.

3.3.d. The term “associate degree” means an associate or “two-year” degree earned from an accredited institution of higher education.

3.3.e. The term “BA” means a bachelor’s degree earned from an accredited institution of higher education.

3.3.f. The term “BA+15” means a bachelor’s degree earned from an accredited institution of higher education plus fifteen hours of undergraduate or graduate work also earned from an accredited institution of higher education. The undergraduate hours must have been completed after the bachelor’s degree was awarded.

3.3.g. The term “MA” means a master’s degree earned from an accredited institution of higher education approved to do graduate work.

3.3.h. The term “MA+15” means a master’s degree earned from an accredited institution of higher education approved to do graduate work plus fifteen hours of undergraduate or graduate work also earned from an accredited institution of higher education. This classification requires 45 semester hours including a master’s degree, of which 15 may be undergraduate hours completed after the bachelor’s degree was awarded.

3.3.i. The term “MA+30” means a master’s degree earned from an accredited institution of higher education approved to do graduate work plus thirty hours of under-graduate or graduate work also earned from an accredited institution of higher education. This classification requires 60 semester hours including a master’s degree, of which 15 may be undergraduate hours completed after the bachelor’s degree was awarded.

3.3.j. The term “MA+45” means a master’s degree earned from an accredited institution of higher education approved to do graduate work plus forty-five hours of undergraduate or graduate work also earned from an accredited institution of higher education. This classification requires 75 semester hours including a master’s degree, of which 15 may be undergraduate hours completed after the bachelor’s degree was awarded.

3.3.k. The term “MA+60” means a master’s degree earned from an accredited institution of higher

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education approved to do graduate work plus sixty hours of undergraduate or graduate work also earned from an accredited institution of higher education. This classification requires 90 semester hours including a master's degree, of which 15 may be undergraduate hours completed after the bachelor's degree was awarded.

3.3.I. The terms "doctorate" means a doctor's degree earned from an accredited institution of higher education qualified and approved to confer such a degree.

§126-163-4. Verification of Hours.

4.1. Verification of credit will be an official transcript of course work completed from an accredited institution of higher education or a grade report of completed contact hours in a post-secondary program from an approved trade, vocational, technical, business, or similar institution. Each employee is responsible for obtaining and providing official copies of the required records to his/her employer.

4.2. County boards of education are responsible for verifying the number of hours completed by their respective employees for additional pay purposes.

§126-163-5. Severability.

5.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**W. Va. 126CSR146A, Policy 5314.01, Autism Mentor,
is being embedded into
W. Va. 126CSR146, Policy 5314, Service Personnel Classification,
Competency Testing, and Professional Learning,
and is recommended for repeal.**

126CSR146A

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 146A
AUTISM MENTOR (5314.01)**

§126-146A-1. General.

1.1. Scope. - This policy provides the mandated standards for the service personnel class title "Autism Mentor".

1.2. Authority. - W. Va. Constitution, Article XII, Section 2, and W. Va. Code §18-2-5 and §18A-4-8.

1.3. Filing Date. - April 11, 2013.

1.4. Effective Date. - May 13, 2013.

1.5. Repeal of Former Rule. - This legislative rule repeals and replaces W. Va. 126CSR146A, West Virginia Board of Education Policy 5314.01, Autism Mentor, filed August 25, 1992, and effective September 26, 1992.

§126-146A-2. Purpose.

2.1. The purpose of this policy is to establish standards for the position of Autism Mentor.

§126-146A-3. Standards and Experience.

3.1. Meet the qualifications of "Aide III" as delineated in W. Va. Code §18A-4-8.

3.1.a. The Local Educational Agency (LEA) is responsible for verifying this standard and documentation is to be maintained in the aide's personnel file.

3.2. Successful completion of a staff development program related to providing instructional supports to students with autism as determined by the West Virginia Department of Education (WVDE) and delineated in the WVDE's *Guidelines for Best Practices Autism Spectrum Disorders: Services in West Virginia Schools*.

3.2.a. The WVDE is responsible for verifying this standard.

3.2.a.1. For each hour of training completed, one-half point per hour will be awarded.

3.2.a.2. A minimum of 15 points (or 30 hours of training) must be earned and verified in order for a candidate to meet this requirement.

3.2.a.3. Training is required on the use of restraint and must include prevention and de-escalation techniques with alternatives to the use of restraint.

3.2.a.4. Training must have been completed within a three year period and documentation submitted to the Office of Special Programs for review and consideration. Training over three years old will not be considered.

3.2.a.5. Points awarded for this item will be determined by the Office of Special Programs after proper documentation of approved training is submitted to the WVDE.

3.2.a.6. The documentation shall, at a minimum, include the name of training, date of training, number of hours, agency providing training and shall include the signature of the training sponsor or designee.

3.2.b. Upon completion of the analysis of the documentation submitted, the employee and LEA personnel director will receive a letter verifying whether the state requirements for this standard have been met.

3.3. Two (2) years of successful experience providing classroom instructional supports to a student(s) with autism under the supervision of a fully certified special education teacher.

3.3.a. The LEA is responsible for verifying this standard.

3.3.b. A year is defined as a minimum of 133 instructional days in any one school year, verified at the end of the school year.

3.3.c. A student must be an eligible student with autism for the time the aide provided instructional supports in order for the experience to be counted. The student's eligibility as a student with autism is determined and documented by the Eligibility Committee (EC) in accordance with W. Va. 126CSR16 West Virginia Board of Education Policy 2419: *Regulations for the Education of Students with Exceptionalities*. If a student had a change in EC determination to or from autism while the aide was providing instructional supports, the aide will receive credit only for experience during the time the student was an eligible student with autism as determined by the EC.

3.3.d. Dates for the time period for which credit for working with students with autism is requested must be documented.

3.3.e. Documentation of this standard is to be kept in the aide's personnel file.

3.4. Physical ability and stamina necessary to complete all job tasks, including tasks related to ensuring student safety.

3.4.a. The LEA is responsible for verifying this standard.

3.4.b. Documentation of this standard is to be kept in the aide's personnel file.

3.5. Upon completion of the requirements delineated in this policy and when standards have been verified as met, an aide is eligible to apply for the position of autism mentor.

3.5.a. To receive the autism mentor pay grade, an aide must be employed in an autism mentor position.

§126-146A-4. Severability.

4.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**W. Va. 126CSR150A, Policy 5500.02, County Service Personnel Staff
Development, is being embedded into
W. Va. 126CSR146, Policy 5314, Service Personnel Classification,
Competency Testing, and Professional Learning,
and is recommended for repeal.**

**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 150A
COUNTY SERVICE PERSONNEL STAFF DEVELOPMENT
COUNCILS (5500.02)**

§126-150A-1. General.

1.1. Scope. -- This legislative rule establishes the General Implementation Process for staff development activities in the fifty-five (55) county school systems. This staff development program provides for job related training for service personnel.

1.2. Authority. -- W. Va. Code §18A-3-9.

1.3. Filing Date. -- August 27, 1992.

1.4. Effective Date. -- September 26, 1992.

§126-150A-2. Purpose.

Schools exist to facilitate student learning, and an ongoing staff development program for all personnel is essential to enhancing student learning. Staff development should be a continuous, developmental process ultimately based on staff needs to meet county and state goals.

§126-150A-3. County Responsibility.

3.1. Each county board of education shall schedule annually at least eighteen (18) hours of staff development for service personnel. At least twelve (12) of the eighteen (18) hours must be scheduled prior to January 1. Exceptions to the schedule may be granted by the county superintendent for innovative programs.

3.2. County boards of education shall establish a Service Personnel Staff Development Council and shall implement a comprehensive system of staff development.

3.3. The county board of education shall make available an amount equal to one tenth of one percent of the amount provided in accordance with W. Va. Code §18-9a-5 and credit such funds to an account to be used by the Council to fulfill its objectives. The county board of education will have final approval for all disbursements and may consider other funding sources.

§126-150A-4. Principles of Operation.

County boards of education shall incorporate the following components and governing principles of operation in their county service personnel staff development policy.

4.1. All staff designated in 3.1 shall participate in at least eighteen (18) hours of job related staff development each year. Job related means that programs available to all service personnel are relevant to:

(1) their areas of assignment; and (2) their job classification and job description.

4.2. The Staff Development Program. -- To promote personal growth and lifelong learning for service personnel, the staff development activities should:

- 4.2.1. Be based on predetermined needs of service personnel;
- 4.2.2. Reflect state and local board of education goals and policies;
- 4.2.3. Include activities which provide for individual as well as group needs;
- 4.2.4. Include individual, school-level and county-level learning opportunities; and
- 4.2.5. Include a systematic evaluation process.

§126-150A-5. General Implementation Process.

5.1. The county superintendent or his/her designee shall hold an advisory, nonvoting role on the Service Personnel Staff Development Council.

5.2. The Service Personnel Staff Development Council shall have final authority to propose staff development programs for their peers based upon rules established by statute.

5.3. The Service Personnel Staff Development Council shall be comprised of two (2) employees from each category of employment: secretarial, custodial, maintenance, transportation, school lunch, and aides.

5.4. Nominations of service personnel to serve on the county Service Personnel Staff Development Council may be submitted by the six (6) groups identified in Section 5.3 of this policy to the superintendent, who shall prepare and distribute ballots and tabulate the votes of the county's service personnel voting on the persons nominated.

5.5. Election to the Service Personnel Staff Development Council shall be made on a staggered three-year sequence.

5.6. Two (2) or more counties may elect to cooperate in the same staff development program.

5.7. Any regional education service agency or professional development center, at the direction of its Board of Directors, shall cooperate with the Service Personnel Staff Development Council of each local education agency within its service region in providing staff development.

5.8. Any service personnel employee in concert with his/her immediate supervisor, may develop an individual staff development plan to be used in implementing his/her staff development activities. An employee's performance evaluation must be used in this process. However, the employee's evaluation remains confidential.

5.9. The county superintendent or his/her designee shall:

5.9.1. supervise the development of staff development program objectives by the Service Personnel Staff Development Council;

5.9.2. coordinate the implementation of the staff development plan;

5.9.3. disseminate information concerning program objectives, location and time, prerequisites, and other pertinent information about staff development offerings to all service personnel in the county; and

5.9.4. maintain records of enrollment, scheduling, and evaluation of each staff development activity.

5.10. The proposed program for staff development shall be approved by the county board of education prior to implementation.

§126-150A-6. Monitoring and Evaluation.

6.1. Monitoring of the policy shall be conducted via the accreditation system described in W. Va. Code §18-2E-5.

6.2. Every three (3) years the Service Personnel Staff Development Council shall evaluate the effectiveness of the staff development program and activities in meeting the needs of service personnel. For evaluation purposes, a staff development year shall be July 1 through June 30.

**W. Va. 126CSR146, Policy 5314, Service Personnel Classification, Competency Testing,
and Professional Learning**

Comment Response Form

Comment Period Ends: June 14, 2021

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 5314, Service Personnel Classification, Competency Testing, and Professional Learning**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|---|
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Higher Educator | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Community Member |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Other |

COMMENTS/SUGGESTIONS
§126-146-1. General.
§126-146-2. Purpose.
§126-146-3. Definitions.
§126-146-4. Service Personnel Defined.
§126-146-5. Service Personnel Classifications.
§126-146-6. Education Equivalency for Service Personnel.
§126-146-7. Competency Testing.

**W. Va. 126CSR146, Policy 5314, Service Personnel Classification, Competency Testing,
and Professional Learning**

Comment Response Form

§126-146-8. Service Personnel Staff Development Council.
§126-146-9. Severability.
Repeal of Policy 5141, Approved College Credit for Aide IV Classification.
Repeal of Policy 5301, College Hours or Comparable Training in a Trade or Vocational School.
Repeal of Policy 5314.01, Autism Mentor.
Repeal of Policy 5500.02, County Service Personnel Staff Development.

Please direct all comments to:

Veronica Barron, Coordinator
Advanced Career Education Services
Office of Technical and Adult Education
West Virginia Department of Education
Capitol Building 6, Room 825
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: vbarron@k12.wv.us
Telephone No.: 304.558.2389